

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-218

PLASTICARD LOCKTECH
INTERNATIONAL, LLC,

Plaintiff,

vs.

COGISTIX, LLC,

Defendant.

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ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Plaintiff filed this action in this Court alleging that this Court had jurisdiction based upon diversity jurisdiction. In the Complaint (#1), Plaintiff alleges it is a limited liability partnership organized and existing under the laws of the state of North Carolina and the Defendant is a limited liability company organized and existing under the laws of the state of Ohio.

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28

U.S.C. §1447(c)(“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). Neither the Plaintiff nor the Defendant has not disclosed in the Complaint or the Answer whether they have constituent members or partners, and the citizenships of those member or partners and therefore will be required to do so.

ORDER

IT IS, THEREFORE, ORDERED that on or before **October 17, 2016**, the Plaintiff shall file a response disclosing the names and citizenships, if any, of all the partners of Plasticard Locktech International, LLC and by **October 17, 2016**, the Defendant shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the Defendant Cogistix, LLC. For any such constituent members or partners that are limited liability companies or partnerships, both the Plaintiff and the Defendant are directed to identify the partnerships of the respective constituent members or partners until all such constituents are fully identified.

Signed: September 26, 2016



Dennis L. Howell
United States Magistrate Judge

